

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 29, 2010

DIVISION ONE

B213665 Regency Outdoor Advertising, Inc., et al. (Not for Publication)
 v.
 Stephens, et al.

The judgment is affirmed. Respondents' request for attorney's fees on appeal is granted. The matter is remanded to the trial court to determine the amount of attorney's fees and costs.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

B213643 People (Not for Publication)
 v.
 Jones
 Walton

Jones's sentence is vacated and the matter is remanded to the trial court for it to exercise its discretion whether to impose consecutive or concurrent sentences for the robbery convictions. In all other respects, the judgment is affirmed. The judgment is affirmed as to Walton.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B215794 People (Not for Publication)
v.
Reyes

The judgment is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.
Johnson, J.

DIVISION TWO

B219874 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Anita A.

The juvenile court's order summarily denying mother's section 388 petition is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B213984 Eduardo Olivo (Not for Publication)
v.
City of Vernon

The judgment is affirmed. The City is entitled to its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (continued)

B217614 Adriana Johnston (Not for Publication)
 v.
 City of Santa Monica

The judgment is affirmed. The City is entitled to its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B219213 Yevgeniy Pinchuk (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B216368 Nunez (Not for Publication)
 v.
 Block

The order denying Block's special motion to strike is reversed and the matter is remanded with directions to grant the motion. No costs are awarded.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

July 29, 2010 (Continued)

DIVISION FIVE

B216563 People (Not for Publication)
v.
George Moreno

The trial court is directed to prepare a corrected abstract of judgment reflecting imposition of \$80 in security fees pursuant to Penal Code section 1465.8. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B217772 People (Not for Publication)
v.
Ahman Spencer

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B217970 People (Not for Publication)
v.
Paul Caldeira

The judgment is modified to reflect that defendant is to receive 891 days of custody credits and 133 days of conduct credits, for a total of 1,024 days. The judgment is affirmed in all other respects.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (continued)

B202289 People (Not for Publication)
v.
Javier Castillo

On May 24, 2010, the California Supreme Court issued its opinion in this case reversing the judgment previously issued by this court. The remittitur issued on July 15, 2010. The judgment of the trial court committing Javier Castillo to a two-year term pursuant to Welfare and Institutions Code section 6604 is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B216926 People (Not for Publication)
v.
Edwin Francisco Martinez

The abstract of judgment is ordered corrected to reflect that defendant was convicted in count 2 of assault by means of force likely to produce great bodily injury. The \$20 DNA penalty assessment pursuant to Government Code section 76104.7 is ordered stricken. The trial court is to impose a \$29 court security fee pursuant to Penal Code section 1465.8, subdivision (a)(1), as to all four counts. The ten-year gang enhancement under section 186.22, subdivision (b)(1)(C), is stricken as to counts 1 and 2. The cause is remanded to the trial court for resentencing in count 1 on the gang enhancement under Penal Code section 186.22, subdivision (b)(1)(B), and resentencing under section 186.22 subdivision (b)(1)(A), as to count 2. The trial court shall obtain a new probation report prior to resentencing. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION FIVE (continued)

B213895 People (Not for Publication)
v.
Reuel D. Hulbert

The 10-year gang enhancements under Penal Code section 186.22 are stricken in favor of imposition of the 15-year minimum parole eligibility dates under subdivision(b)(5) for the three murder convictions. The matter is remanded for the trial court to exercise its discretion in fixing the term of the gang enhancement under section 186.22 subdivision (b)(1)(A), as to the felon in possession of a firearm conviction. The trial court shall impose and stay a parole revocation fine in the amount of \$5,000 as to the felon in possession of a firearm charge. All references to parole revocation fines as to the counts with a sentence of life without the possibility of parole are stricken. A corrected abstract of judgment shall be forwarded forthwith to the Department of Rehabilitation and Corrections. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

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The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION SIX

B221643 People (Not for Publication)
v.
Whaley

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B216493 Purdum (Not for Publication)
v.
Holmes

The judgment and the orders appealed from are affirmed. Appellant shall pay respondent's costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B212406 People (Not for Publication)
v.
Leonardo Dinoci Lyons

Appellant's conviction of selling codeine is reversed. We remand this case for resentencing. In all other respects, the judgment is affirmed.

Coffee, J.

I concur: Gilbert, P.J. (Opinion)
I dissent: Yegan, J. (Opinion)

July 29, 2010 (Continued)

DIVISION SIX (continued)

B214595 S.J. Amoroso Construction Co., Inc. (Not for Publication)
v.
James Knecht

The judgment is affirmed. Respondent(s) to recover costs.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B216979 People (Not for Publication)
v.
Leon

The \$10 fine imposed as a term of appellant's probation pursuant to section 1202.5 is ordered stricken. The order compelling appellant to reimburse the county for the costs of his defense under section 987.8 is reversed and remanded for notice and a hearing regarding the actual costs of appellant's legal representation. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B221698 **Senser** (Not for Publication)
v.
Skiff

The judgment is affirmed. Respondent(s) to recover costs.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (continued)

B217074 Todd Edwards (Not for Publication)
 v.
 Employment Development Department

The judgment is affirmed. Respondent(s) to recover costs.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B216746 People (Not for Publication)
 v.
 Robert V. Lastrap

We modify the judgment to award LaStrap an additional 140 days of conduct credit, but otherwise affirm. The trial court is directed to prepare an amended abstract of judgment reflecting a total of 556 days of presentence custody credit, and to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B208725 Kavanaugh
 v.
 Sitrick

Filed order denying petition for rehearing.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B216774 People v. Hampton
B220232 People v. D.G.
B222086 DCFS v. A.D.

Argument waived, cause submitted.

B204553 Jabari Jumaane
 v.
 Los Angeles Fire Department

Merits:

Argued by Gerald M. Sato for appellant. Argument previously waived by respondent. Cause submitted.

Grimes, J. left the bench.

B210007 Bith, LLC
 v.
 Downey Savings & Loan Association

Merits:

Argued by J. Brian Urtnowski for appellant and by Joseph Catmull for respondent. Cause submitted.

B215678 Jared Hart
 v.
 Robert Bosch Tool Corporation

Merits:

Argued by Mara E.J. Burnett for appellant and by James P. Hepworth for respondent. Cause submitted.

DIVISION EIGHT (continued)

Grimes, J. returns to the bench.

Bigelow, P.J. left the bench.

B213783 Sheryl Ragen
 v.
 Peter Veloz, et al.

Merits:

Argued by Richard D. Cleary for appellant; by Robert N. Sacks for respondent Peter Veloz and by Daniel B. Herbert for respondent David Veloz. Cause submitted.

Court recessed.

Court reconvened at 10:36 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

B221140 Los Angeles County, D.C.F.S.
 v.
 R.B.

Merits:

Argued by Kate M. Chandler for appellant and by William Thetford, Deputy County Counsel for respondent. Cause submitted.

B212451 People
 v.
 Robert Hernandez, Jr.,

Merits:

Argued by Thomas T. Ono for appellant and by Robert David Breton, Deputy Attorney General, for respondent. Cause submitted.

Grimes, J. left the bench.

DIVISION EIGHT (continued)

B206569 People
 v.
 Donald Sanders

Merits:
Argued by Dennis A. Fischer for appellant; by Valerie Summers
Chamberlain, Deputy District Attorney for Amicus Curaie and by Richard
S. Moslcowitz, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy
Clerk.

B216844 Ultimate Fit, Inc., et al.
 v.
 Tukatech, Inc.,

Merits:
Argued by Ronald W. Makarem for appellant and by Steven A. Morris for
respondent. Cause submitted.

B195651 People
 v.
 Leif Taylor

Merits:
Argued by Gregory L. Rickard for appellant and by Noah P. Hill, Deputy
Attorney General for respondent. Cause submitted.

Bigelow, P.J. left the bench.

DIVISION EIGHT (continued)

B217060 La Mirada Avenue Neighborhood Association of Hollywood
 v.
 City of Los Angeles
 Sunset & Gordon Investment

Merits:

Argued by Robert P. Silverstein for appellant; by Amy Nefouse for real party in interest, and by Terry Kaufman Macias, Deputy City Attorney, for respondent. Cause submitted.

B219941 Szlos
 v.
 Carter

Oral argument continued to August 26, 2010 at 9:00 a.m.

Each of the following:

B219539 Starr v. Starr

B216442 Curiel v. Board of Civil Service Commissioners

Oral argument continued to August 26, 2010 at 1:00 p.m.

B211122 Armour
 v.
 Ritter

Matter ordered off calendar.

Court adjourned.